

CHAPTER 245

CRIMINAL LAW AND PROCEDURE

SENATE BILL 20-085

BY SENATOR(S) Zenzinger and Gardner;
 also REPRESENTATIVE(S) Michaelson Jenet and Soper, Bockenfeld, Champion, Cutter, Duran, Hooton, Jackson, Liston,
 McLachlan, Rich, Sandridge, Snyder, Titone, Valdez D., Van Winkle, Young, Becker.

AN ACT

CONCERNING A REQUIREMENT THAT A SEX OFFENDER BEING PLACED IN A COMMUNITY CORRECTIONS PROGRAM MEET CERTAIN REQUIREMENTS FOR A SEX OFFENDER BEING RELEASED ON PAROLE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-1.3-301, **add (2)(f)** as follows:

18-1.3-301. Authority to place offenders in community corrections programs. (2) (f) Requirements for sex offenders. (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL NOT TRANSFER AN OFFENDER SENTENCED PURSUANT TO THE "COLORADO SEX OFFENDER LIFETIME SUPERVISION ACT OF 1998", PART 10 OF THIS ARTICLE 1.3, UNLESS:

(A) THE OFFENDER HAS SUCCESSFULLY PROGRESSED IN THE TREATMENT REQUIRED BY SECTION 16-11.7-105, AS DETERMINED BY THE DEPARTMENT OF CORRECTIONS AFTER CONSIDERATION OF THE CRITERIA DEVELOPED PURSUANT TO SECTION 18-1.3-1009 (1)(b), AND WOULD NOT POSE AN UNDUE THREAT TO THE COMMUNITY IF TRANSFERRED TO A COMMUNITY CORRECTIONS PROGRAM UNDER APPROPRIATE TREATMENT AND MONITORING REQUIREMENTS; AND

(B) THERE IS A STRONG AND REASONABLE PROBABILITY THAT THE OFFENDER WOULD NOT THEREAFTER COMMIT A NEW CRIMINAL OFFENSE.

(II) IN MAKING THE DETERMINATION PURSUANT TO SUBSECTION (2)(f)(I) OF THIS SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL CONSIDER THE RELEVANT CRITERIA ESTABLISHED PURSUANT TO SECTION

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

18-1.3-1009 AND ANY OTHER RELEVANT FACTORS.

SECTION 2. Applicability. This act applies to the transfer of offenders on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 7, 2020